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where a bridge would be built, if one was ever constructed, and the property owners across the river were not liable on the special assessment. Where, however, the street was built to a place where the city contemplated building a bridge in the near future and the street was built with the intention that such a bridge would be constructed, the property owners across the river were liable on the special assessment. *Dickson v. City of Racine*, 65 Wis. 306. In the latter case the court said that it would be absurd to say that the contemplated building of the bridge should have no effect in estimating benefits. In *Chamberlain v. Cleveland*, 34 Ohio St. 551, the court held that the opening of one street rendering practicable that of another contemplated street which could not have been opened before might be considered in estimating the special benefits. The probability that the city might in the future project a sewer to form a connection with the first sewer is too remote a benefit to be assessed. *State, N. J. R. R. v. City of Elizabeth*, 37 N. J. L. 330. Land which can be drained into a trunk sewer only after laterals are built cannot be assessed for the costs of the trunk until such laterals are constructed. *State, Kellogg Bros. v. City of Elizabeth*, 40 N. J. L. 274. See 28 Cyc. 1129.

NEGLIGENCE—HOUSE GUEST A MERE LICENSEE—LIABILITY OF HOST FOR INJURIES DUE TO SLIPPERY FLOORS.—Defendant invited plaintiff and her husband to be guests at the house of the former on New Year's Eve and New Year's Day. They accepted, and while in the home of the defendant the plaintiff was injured by the slipping of a small oriental rug on the polished hardwood floor. In action for damages, *held*, defendant not liable. *Greenfield v. Miller* (Wis., 1921), 180 N. W. 834.

Although there by invitation, plaintiff was not in law an invitee but a mere licensee. The duty of an occupier to an invitee is of course not the same as to a licensee, though in the principal case on the facts the result probably would have been the same. In the case of a licensee the occupier owes a duty merely to give warning of any concealed danger of which he actually knows. SALMOND ON TORTS [5th Ed.], § 122. For positive negligence there would of course be liability, as, for example, if the host were to drop carelessly a lamp upon the foot of the guest. While the licensee, the social guest is on the premises solely by reason of the host's invitation, curiously in the view of the law it may be fairly said that the latter has "no interest" in the matter. "A licensee," says Salmond, "may be defined as a person who enters the premises by the permission of the occupier, granted gratuitously in a matter in which the occupier has himself no interest." If the host, however, takes the guest out for a joy ride in an automobile and, due to careless driving, he is injured, there may be a recovery. *Avery v. Thompson* (Me.), 103 Atl. 4; *Perkins v. Galloway*, 194 Ala. 265, L. R. A. 1916 E, 1190; *Massaletti v. Fitzroy*, 228 Mass. 487 (if negligence is gross). But if the guest fails to advise and, if necessary, remonstrate from time to time regarding speed, etc., even though he rides on the back seat, he may be refused recovery on the ground of contributory negligence. *Howe v. Corey* (Wis., 1920), 179 N. W. 791, 19 MICH. L. REV. 433. The decision in

the principal case is in accord with the conclusion in *Southcote v. Stanley*, 1 H. & N. 274. See also *Derby v. Railroad Co.*, 14 How. 468.

PARTNERSHIP—DUTY TO KEEP ACCOUNTS—ILLITERATE PARTNER.—Upon a bill for an accounting, the master found that both partners were illiterate, that no systematic accounts of the firm business had ever been kept, and that while plaintiff was absent and defendant was in charge of the business the same methods of bookkeeping were employed as theretofore. *Held*, defendant not liable for failure to keep proper books of account. *Poulette v. Chainay* (Mass., 1921), 129 N. E. 290.

The universally recognized duty of partners to exercise toward each other the utmost good faith in all their business dealings is well stated by Bacon, V. C., in *Helmore v. Smith*, 35 Ch. D. 436, 444. As a component part of the larger doctrine, every partner has the duty to see that proper accounts are kept of the partnership transactions. *MECHEM, PARTNERSHIP, § 116.* Failure of a partner to keep, or to enable another designated partner or clerk to keep, such accounts creates a presumption against the *bona fides* of such partner. *Dimond v. Henderson*, 47 Wis. 172; *Kelly v. Greenleaf*, 3 Story (U. S. C. C.) 105. But such presumption may be rebutted. *Tallmadge v. Penoyer*, 35 Barb. (N. Y.) 120; *Garretson v. Brown*, 185 Pa. St. 447; *Ferguson v. Wright*, 61 Pa. St. 258. It was held in the principal case that the presumption was rebutted by a showing that the defendant did all that might reasonably have been expected of one in his circumstances. And indeed such is the general requirement, although it is often stated in broader terms. The duty imposed is in its very nature co-related with the question of motive, and should not be judged or measured by a purely external standard. *Charlton v. Sloan*, 76 Ia. 288. That this is true is shown by the case of *Shoemaker v. Shoemaker*, 29 Ky. L. Rep. 134, in which a partner was held not liable for employing a deficient system of bookkeeping because the same system had been used for a number of years to the knowledge of the other partners and without any objection from them.

RULE IN SHELLEY'S CASE—ESTATES—WILLS.—Grantor conveyed to trustees on trust for J for life, remainder the heirs of her body. Trustees were given right actively to manage the estate during the life of J if they thought it wise. *Held*, J only took a life estate and the Rule in Shelley's Case did not apply, since the life estate was an equitable estate, while the remainder was a legal estate. *Youmans v. Youmans* (S. C., 1920), 105 S. E. 31.

Grantor conveyed to S for life, and after her death to her heirs in fee. *Held*, Rule in Shelley's Case applicable and S acquired an estate in fee simple. *Starling v. Newson* (N. C., 1920), 105 S. E. 3.

Testator devised to M for life, remainder to the heirs of her body lawfully begotten. *Held*, Rule in Shelley's Case did not apply, since from the whole instrument it appeared the testator meant the remainder to go to the children of M. *Blackledge v. Simmons* (N. C., 1920), 105 S. E. 202.

These cases, decided within a month of each other and reported in the